

# 47  
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	<b>CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL</b>	CHECK BOX if applicable: <input type="checkbox"/> <b>DUPLICATE</b>
	Submit an original, and a duplicate for fee processing. (Only for Continuation or Divisional applications under 37 CFR 1.53(d))	

Address to:  Assistant Commissioner for Patents Box CPA Washington, DC 20231	Attorney Docket No. of Prior Application	0652.1080001/EKS/PSC
	First Named Inventor	Max L. BIRNSTIEL
	Examiner Name	Nolan, P.
	Group/Art Unit	1644
	Express Mail Label No.	

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR § 1.53(d),  
(continued prosecution application (CPA)) of the prior application number 08/380,200  
filed on January 30, 1995 entitled: New Protein-Polycation Conjugates

NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR § 1.51(b) or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice Changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR § 1.53(d), but must be filed under 37 CFR § 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR § 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the application under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR § 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR § 1.78(a).

**Warning: Information on this form may become public. Credit Card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

- ☐ Enter the unentered amendment previously filed on \_\_\_\_\_ under 37 CFR § 1.116 in the prior nonprovisional application.
- ☒ Preliminary Remarks, with Exhibits A-C are enclosed.
- This application is filed by fewer than all the inventors named in the prior application, 37 CFR § 1.53(d)(4).
  - ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:  
.....
  - ☐ The inventor(s) to be deleted are set forth in a separate sheet attached hereto.
- ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
- Information Disclosure Statement (IDS) is enclosed:
  - ☒ Form PTO-1449
  - ☒ Copies of IDS citations

RECEIVED

AUG 30 2001

TECH CENTER 160012900

00000033 08380200  
710.00 OP  
468.00 OP  
270.00 OP  
08/29/2001  
01 FC:131  
02 FC:10  
03 FC:10

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CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR § 1.16(e) or (j))	46-20* =	26	x \$ 18.00 = 468.00	\$468.00
	INDEPENDENT CLAIMS (37 CFR § 1.16(b) or (i))	2-3** =		x \$ 80.00 = 0.00	0.00
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR § 1.16(d))			x \$ 270.00 = 270.00	270.00
				BASIC FEE (37 CFR § 1.16)	\$ 710.00
				Total of above Calculations =	1,448.00
	Reduction by 50% for filing by small entity (Note 37 CFR 1.27).				
	* Reissue claims in excess of 20 and over original patent. ** Reissue independent claims over original patent.			TOTAL =	

6. ☐ Small entity status: Applicant claims small entity status. See 37 CFR 1.27.
7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 19-0036:
- a. ☒ Fees required under 37 CFR § 1.16.                      b. ☒ Fees required under 37 CFR § 1.17.
- c. ☐ Fees required under 37 CFR § 1.18.
8. ☒ A check in the amount of \$2,338.00 is enclosed.
9. ☐ Payment by credit card. Form PTO-2038 is enclosed.
10. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) for a period of \_\_\_\_\_ months (not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed.
11. ☐ New Attorney Docket Number, if desired \_\_\_\_\_  
[Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]
12. a. ☐ Receipt For Facsimile Transmitted CPA (PTO/SB/29A)
- b. ☒ Return Receipt Postcard (Should be specifically itemized, See MPEP 503)
13. ☒ Other: A Petition for the Extension of Time for the Parent Application

**NOTE:** The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.

## 14. NEW CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label

Customer No. 26111

(Insert Customer No. or Attach bar code label here)

or ☐ New correspondence address below

Name	Sterne, Kessler, Goldstein & Fox P.L.L.C.			
Address				
City	State	Zip Code		
Country	Telephone	Fax		

## 15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Eric K. Steffe
Signature	
Registration No. (Attorney/Agent)	36,688
Date	8/28/01

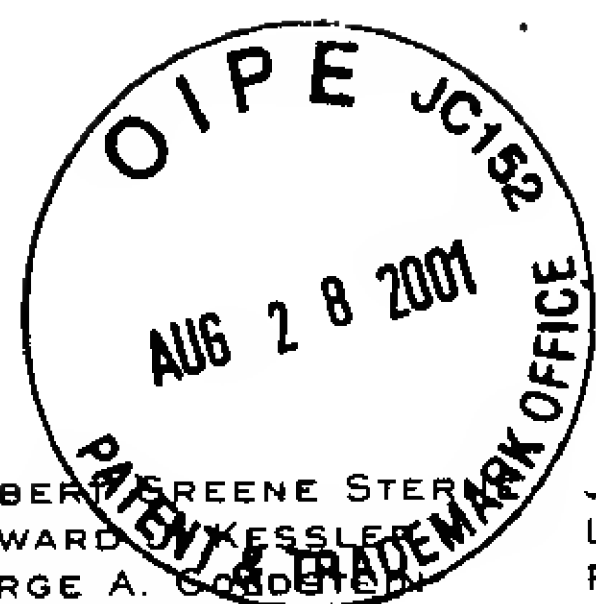
CPA/16445

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

ATTORNEYS AT LAW

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\*LIMITED TO MATTERS  
AND PROCEEDINGS BEFORE  
FEDERAL COURTS & AGENCIES  
\*\*REGISTERED PATENT AGENT  
\*\*\*SENIOR COUNSEL

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AUG 30 2001

TECH CENTER 1600/2900

August 28, 2001

WRITER'S DIRECT NUMBER:

(202) 371-2625

INTERNET ADDRESS:

ESTEFFE@SKGF.COM

Commissioner for Patents  
Washington, D.C. 20231

Box: CPA

Re: U.S. Utility Patent Application  
Request for Continued Prosecution Application (CPA)  
Appl. No. 08/380,200; Filed: January 30, 1995  
For: **New Protein-Polycation Conjugates**  
Inventors: BIRNSTIEL *et al.*  
Our Ref: 0652.1080001/EKS/PSC

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Fee Transmittal Form PTO/SB/17 (*in duplicate*);
2. CPA Transmittal Form PTO/SB/29 (*in duplicate*);
3. Preliminary Remarks, with Exhibits A-C;
4. Information Disclosure Statement;
5. Form PTO-1449 (1 sheet citing 1 document (AL1));
6. 1 document (AL1) cited in Form PTO-1449 attached;
7. A Petition for Extension of Time Under 37 C.F.R. § 1.136(a)(1) (*in duplicate*);

Commissioner for Patents

August 28, 2001

Page 2

8. Check no. 32371 in the amount of \$2,338.00 to cover:  
\$710.00 Basic filing fee (37 C.F.R. § 1.16(a));  
\$890.00 Extension fees under 37 C.F.R. § 1.136;  
\$468.00 Fee for claims over 20;  
\$270.00 Multiple dependent claim fee; and

9. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the filing date of these documents and returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. A duplicate copy of this letter is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



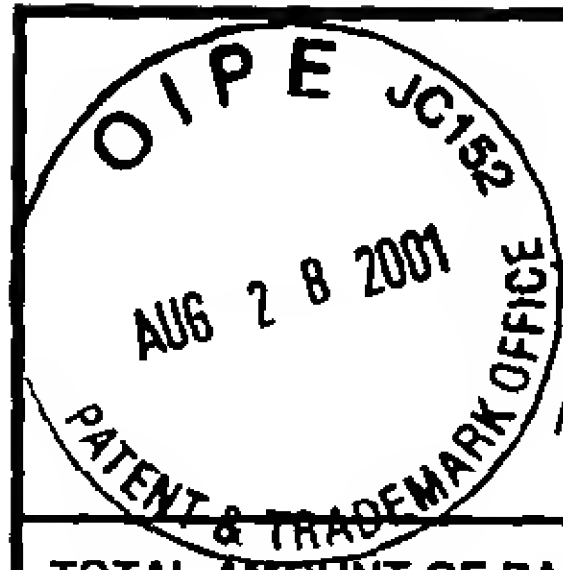
Eric K. Steffe  
Attorney for Applicants  
Registration No. 36,688

EKS/PSC/lam

Enclosures



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# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$)2,338.00

## Complete if Known

Application Number	08/380,200
Filing Date	January 30, 1995 (CPA filed August 28, 2001)
First Named Inventor	Max L. BIRNSTIEL
Examiner Name	Nolan, P.
Group Art Unit	1644
Attorney Docket No.	0652.1080001/EKS/PSC

## METHOD OF PAYMENT (check one)

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayment to:

Deposit Account Number 19-0036  
Deposit Account Name Sterne, Kessler, Goldstein & Fox P.L.L.C.

- ☐ Charge Any Additional Fee Required  
Under 37 CFR §§ 1.16 and 1.17

- ☐ Applicant claims small entity status  
See 37 CFR 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☒ Other\*

\*Charge any deficiencies or credit any overpayments in the fees or fee calculations of Parts 1, 2 and 3 below to Deposit Account No. 19-0036.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	710	201	355	Utility filing fee	<u>710.00</u>
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	

SUBTOTAL (1) (\$) 710.00

### 2. EXTRA CLAIM FEES

Extra	Fee from below	Fee Paid
Total Claims <u>46</u> - 20** = <u>26</u>	X <u>18.00</u>	= <u>468.00</u>
Indep. Claims <u>2</u> - 3** = <u>0</u>	X <u>0.00</u>	= <u>0.00</u>
Multiple Dependent	<u>270.00</u>	= <u>270.00</u>

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim
108	80	209	40	**Reissue independent claims over original patent
110	18	210	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 738.00

\*\* or number previously paid, if greater. For Reissues, see above

### 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
105	130	205	65	Surcharge - late filing fee or oath
127	50	227	25	Surcharge - late provisional filing fee or cover sheet
139	130	139	130	Non-English specification
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination
112	920*	112	920*	Requesting publication of SIR prior to Examiner action
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action
115	110	215	55	Extension for reply within first month
116	390	216	195	Extension for reply within second month
117	890	217	445	Extension for reply within third month
118	1,390	218	695	Extension for reply within fourth month
128	1,890	228	945	Extension for reply within fifth month
119	310	219	155	Notice of Appeal
120	310	220	155	Filing a brief in support of an appeal
121	270	221	135	Request for oral hearing
138	1,510	138	1,510	Petition to institute a public use proceeding
140	110	240	55	Petition to revive - unavoidable
141	1,240	241	620	Petition to revive - unintentional
142	1,240	242	620	Utility issue fee (or reissue)
143	440	243	220	Design issue fee
144	600	244	300	Plant issue fee
122	130	122	130	Petitions to the Commissioner
123	130	123	130	Petitions related to provisional applications
126	180	126	180	Submission of Information Disclosure Stmt
581	40	481	40	Recording each patent assignment per property (times number of properties)
146	710	246	355	Filing a submission after final rejection (37 CFR 1.129(a))
149	710	249	355	For each additional invention to be examined (37 CFR 1.129(b))
179	710	279	355	Request for Continued Examination (RCE)
169	900	169	900	Request for expedited examination of a design application

Other fee (specify):

Other fee (specify):

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 890.00

## SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Eric K. Steffe	Registration No. (Attorney/Agent)	36,688	Telephone	202-371-2600
Signature		Date	8/28/01		

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Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.  
SKGF Rev. 11/13/00 mnac

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